

**DECLARATION OF FRANCES S. LEWIS**

I, Frances S. Lewis, state and declare as follows:

1. I am an Assistant United States Attorney ("AUSA") for the Central District of California, and I am one of the attorneys assigned to the prosecution of United States v. Olivas, ED CR No. 18-231-JGB. I make this declaration in support of the Government's Motion in Limine to Admit Business Records Under the Self-Authentication Provisions of Federal Rule of Evidence 902(11).

2. As described in the chart below, attached hereto are Exhibits 1-5, which are true and correct (but, in some cases, redacted) copies of certifications under Federal Rule of Evidence 902(11) provided by the businesses indicated for the business records indicated. Based on my review of my Office's case file and discovery production logs, and my knowledge of the government's productions after I joined the case, I am informed and believe that the government has previously produced these certifications and the underlying certified business records to defendants in discovery in this case:

Exhibit to Lewis Decl.	Source	Bates	Custodian Decl.
1	Verizon	00014544-14891	00014549-550
2	Sprint	00014915-14946	00014913-914
3	AT&T	00015096-16350	00015096-099
4	Southern California Edison	0010361-364	00103605
5	Facebook	00103521-103604	00103556

3. On November 21, 2021, I sent an email to Meghan Blanco, counsel for defendant, in which I sought to meet and confer about the government's intention to seek the admission of the Verizon, Sprint, and AT&T records under Rule 902(11) or whether the government would

1 need to file such a motion to authenticate and admit the underlying  
2 records instead of calling custodians of records for these businesses  
3 as witnesses at trial. I also informed Ms. Blanco that the  
4 government may have additional business records to include. I  
5 received no response to that email.

6 4. On November 23, 2021, AUSA Eli Alcaraz provided Ms. Blanco  
7 with additional business records provided by Facebook along with a  
8 custodian of records declaration. AUSA Alcaraz emailed Ms. Blanco  
9 that same day asking again to confer about the custodian of records  
10 question, but received no response. AUSA Alcaraz and I also  
11 attempted to call Ms. Blanco by phone that same day, but we were  
12 unable to reach her at either her cell phone or her office.

13 5. On November 24, 2021, I provided Ms. Blanco with additional  
14 records provided by Southern California Edison along with a custodian  
15 of records declaration.

16 6. On November 24, 2021, I followed up again with Ms. Blanco  
17 by email and informed her that the government would be filing a  
18 motion in limine under Rule 902(11) to admit business records absent  
19 an agreement by the parties. I again received no response.

20 7. On November 27, 2021, Ms. Blanco called to discuss a  
21 different issue, and I asked her for her position on the custodian of  
22 records issue. She asked for the government to provide copies of the  
23 records the government sought to admit and indicated that she would  
24 provide the Court with her position at the pretrial conference  
25 scheduled for November 29, 2021, after reviewing the government's  
26 motion.

27 8. On November 27, 2021, I attempted to email Ms. Blanco the  
28 underlying records, but because of their size and the presence of

1 personal identifying information in the emails, I received electronic  
2 notice to my email that the messages I sent Ms. Blanco were  
3 undeliverable. I therefore emailed Ms. Blanco the custodians of  
4 record declarations and provided specific references to where the  
5 underlying records could be found either in discovery or on a USAfx  
6 sharefile provided to Ms. Blanco on November 24, 2021, that contained  
7 a draft set of the government's exhibits.

8 I declare under penalty of perjury under the laws of the United  
9 States of America that the foregoing is true and correct to the best  
10 of my knowledge and belief and that this declaration was executed on  
11 November 27, 2021, at Los Angeles, California.

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FRANCES S. LEWIS  
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# Lewis Declaration Exhibit 1

**DECLARATION OF CUSTODIAN CERTIFYING BUSINESS RECORD**

*(Please type or print legibly except for signature.)*

I, Linda J., hereby declare as follows:  
*(name)*

(1) I am a custodian of records for Verizon,  
*(name of business or entity)*

and in that capacity am knowledgeable about the matters set forth herein.

(a) My job title/position is:

(b) I have been employed in this capacity for Jan.,  
*(duration)*

and by the aforementioned business/entity for Since Jan.,  
*(duration)*

(c) My job duties are:

(d) I am knowledgeable about the matters set forth herein and the relevant record-keeping practices of the aforementioned business/entity based upon (check all that apply):

☒ Training.

☒ Familiarity with relevant policy/policies.

☒ Hands-on experience.

☐ Supervision of one or more others with hands-on experience.

☐ Other. Describe:

(2) Attached hereto or enclosed herewith are ~~originals~~ XXXXXXX ~~true and correct~~  
~~duplicates~~ of a record or records of a regularly conducted activity of the business or entity named above.

*(Circle either "originals" or "true and correct duplicates" and strike out the other term.)*

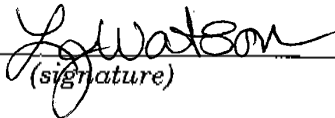
(3) I certify that the attached record(s):

- (a) was/were made at or near the time of the occurrence of the matters set forth therein,
- (b) was/were made by, or from information transmitted by, a person with knowledge of those matters;
- (c) was/were kept in the course of the regularly conducted activity;
- (d) was/were made by and in the course of the regularly conducted activity as a regular practice;
- (e) if not original records, are exact duplicates of original records.

I declare under penalty of perjury that the foregoing is true and correct.

Dated 08/25/201 and  
(date document was signed)

executed at Bedminster,  
(place document was signed)

  
(signature)

Linda J.  
(typed or printed name)

# Lewis Declaration Exhibit 2

**DECLARATION OF CUSTODIAN CERTIFYING BUSINESS RECORD**

*(Please type or print legibly except for signature.)*

I, Nathaniel E., hereby declare as follows:  
(name)

(1) I am a custodian of records for Sprint,  
(name of business or entity)

and in that capacity am knowledgeable about the matters set forth herein.

(a) My job title/position is:

(b) I have been employed in this capacity for 2 yrs,  
(duration)

and by the aforementioned business/entity for 1 yr.  
(duration)

(c) My job duties are:

(d) I am knowledgeable about the matters set forth herein and the relevant record-keeping practices of the aforementioned business/entity based upon (check all that apply):

☒ Training.

☒ Familiarity with relevant policy/policies.

☒ Hands-on experience.

☒ Supervision of one or more others with hands-on experience.

☐ Other. Describe:

(2) Attached hereto or enclosed herewith are *originals/ true and correct duplicates* of a record or records of a regularly conducted activity of the business or entity named above.

*(Circle either "originals" or "true and correct duplicates" and strike out the other term.)*



(3) I certify that the attached record(s):

- (a) was/were made at or near the time of the occurrence of the matters set forth therein,
- (b) was/were made by, or from information transmitted by, a person with knowledge of those matters;
- ~~(c) was/were kept in the course of the regularly conducted activity;~~
- (d) was/were made by and in the course of the regularly conducted activity as a regular practice;
- (e) if not original records, are exact duplicates of original records.

I declare under penalty of perjury that the foregoing is true and correct.

Dated August 25<sup>th</sup>, 2014 and  
(date document was signed)

executed at Overland Park, Kansas  
(place document was signed)

Nathaniel Ehrman  
(signature)

Nathaniel Ehrman  
(typed or printed name)

# Lewis Declaration Exhibit 3

1612419 PH



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**National Court Order Compliance**

11760 US HIGHWAY 1, SUITE 600  
NORTH PALM BEACH, FL 33408-3029  
1-800-635-6840  
1-888-938-4715 (Fax)

**VERIFICATION OF AUTHENTICITY OF AT&T RECORDS**

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Paula Hernandez, who being duly sworn, deposes and says:

My name is Paula Hernandez. I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since **October 2000**. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Cellular Number(s): [REDACTED] 1831

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

*Paula Hernandez*  
Paula Hernandez  
October 9, 2014

The foregoing affidavit was sworn to and subscribed before me by Paula Hernandez, who is personally known to me.

October 9, 2014

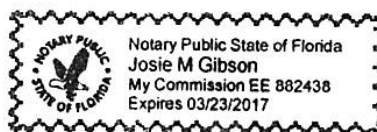
A handwritten signature in cursive script, appearing to read "Josie M. Gibson".

Notary Public, State of Florida

Printed Name

Serial Number (if any)

National Court Order Compliance





**National Court Order Compliance  
RESPONSE COVER SHEET**

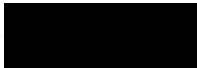
11760 US HIGHWAY 1, SUITE 600  
NORTH PALM BEACH, FL 33408-3029  
Phone 1-800-635-6840 Facsimile 1-888-938-4715

To: SA DAVID STAAB  
FBI 92507  
3480 VINE ST  
SUITE 200  
RIVERSIDE CA 92507

File Code:

From: PH

Phone Number:  
Fax Number:



Request Dated: 8/13/2014  
Received On: 8/20/2014

Number of Pages:  
Date: 10/8/2014

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**-All available information provided was until 08/3/13, after 8/3/13 the billing provider for the number referenced in the request is an AT&T reseller -Locus Communications. Additional information may be obtained by calling the reseller direct.**

**IMPORTANT NOTICE:**

**Effective immediately, it will be necessary to include a time-zone in all future legal demands served to AT&T, due to some records now being stored in UTC/GMT.**

**CONFIDENTIALITY NOTICE**

This cover sheet, and any document which may accompany it, contains information from the National Compliance Center which is intended for use only by the individual to whom it is addressed, and which may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering this message to the intended recipient, any review, disclosure, dissemination, distribution, copying or other use of this message or its substance is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for the return of this communication to us at our expense. Thank you.

1612419

**AT&T MOBILITY**



Please refer to the legend below that explains the columns and the information displayed on the attached report.

### **LEGEND FOR AT&T MOBILITY RECORDS LABELED "DATA SOURCE: SCAMP"**

The attached file is being sent in a text file format to provide you with the ability to download into your data analysis system.

Once downloaded into an EXCEL format, header information will appear at the top displaying the AT&T 6-digit file number, creation date, the AT&T database source, date the report was run, and the account number of the target.

You may receive up to 3 separate reports for usage: Voice, Data and SMS. This is indicated at the beginning of each report. The fields you will find on usage reports are as follows:

#### **VOICE:**

**Conn. Date and Conn. Time:** The date and time the call was actually connected.

**Seizure Time:** The number of minutes and seconds it took from the time the 'Send' button was pressed to the time the call was connected to the network.

**Originating Number:** If target number appears in this field, the call is an outgoing call and the called number is in the Terminating Number field.

**Terminating Number:** If target number appears in this field, the call is an incoming call and the caller's number is in the Originating Number field. In rare instances, you may see all \*\*\* in this column. This is an indication that an invalid number was entered.

**Elapsed Time:** Number of minutes and seconds of the call between the connection time and the end of the call, also known as call duration. Does not include seizure time.

**Number Dialed:** This column represents the number that was actually dialed by the calling party or the voicemail access number if the call was forwarded to voicemail.

**IMEI:** International Mobile Equipment Identification number.

**IMS:** International Mobile Subscriber Identity number.

**Description:** This field uses 2 key characters that describe the parties involved and a short description suffix key word that describes what is known about how the call was handled. Outbound calls will always be described as "DIR". "M" indicates the presence of an AT&T Mobility number. "m" indicates the presence of another wireless carrier's number. The number "2" will always be shown in the middle of the two characters and is used in lieu of "to". For example, M2O means AT&T Mobile "to" a Non-Mobile Phone Number. This report will not show routing by the receiving side of an outbound call. The tables below describe the potential values.

**CIC:** Stands for Carrier Identification Code. The number in this column translates to identifying the interexchange carrier of the call. A public listing of CIC codes can be found at the following url: [http://www.nanpa.com/reports/reports\\_cic.html](http://www.nanpa.com/reports/reports_cic.html)

**Call Code:** Represents the type of call that was processed on the wireline network. Call Code information can be obtained from the AskCalea website. If the LEA does not have access to AskCalea, please contact 1-855-532-2532

**Key Character Definitions**

Field	Description
M	AT&T Mobile Phone (based on billing validation)
m	Other Carrier Mobile Phone (based on billing validation)
O	Non-Mobile Phone Number

Calls will have 4 potential "suffix" descriptions.

**Description Suffix Definitions**

Field Suffix	Description
DIR	Outbound calls will display DIR except for voicemail checks directly from the handset (VMC). Inbound calls will display DIR if no forwarding took place. Either the phone was answered or rang and was not answered.
VMC	Call was from handset to check Voicemail box.
VMB	Call was routed to VoiceMail number.
FWD	Call was forwarded to another number.
	Forwarding action could not be determined.

A call described as "m2M\_DIR" would be interpreted as a call from another carrier's mobile phone to an AT&T mobile phone that was not forwarded. For example, the call was not routed to voicemail. A call described as "O2M\_FWD" would be a call from a non-mobile phone number to an AT&T mobile number that was forwarded to the number listed in the Terminating Number field.

**Cell Location:** Column only displays if location information was requested. The first two numbers indicate the beginning and ending LAC/CID information followed by the longitude/latitude and the azimuth (center point of the sector) of all cell sites that serviced the call. If the target was traveling, you may see more than one cell site in this field which will indicate hand offs while the call is in progress.



**DATA USAGE:**

The Data report displays many of the same columns as on the other reports, but also includes:

**Bytes Up:** The number of bytes sent from mobile station to the network.

**Bytes Dn:** The number of bytes from the network to the mobile station.

**Access Pt:** Displays the network interface access point.

**Cell Location:** Column only displays if location information was requested. Same information is displayed as noted above.

**SMS USAGE:**

**Originating Number:** If target number appears in this field, the SMS is outgoing and the receiving number is in the Terminating Number field.

**Terminating Number:** If the target number appears in this field, the SMS is incoming and the number initiating the SMS is in the Originating Number field.

**Description:** This field describes the direction of the message and a short description that describes what is known about the type of message. Outbound calls will always be described as "OUT" with no suffix description, and inbound messages will provide a description where it is known.

**Key Prefix Definitions**

Field	Description
IN	Inbound Message
OUT	Outbound Message

**Description Suffix Definitions**  
**(These are ALL SYSTEM GENERATED MESSAGES)**

Field Suffix	Description
VMN	VoiceMail message is waiting notification
VMP	VoiceMail box has been accessed notification.
VMA	Indicates either a voice mail notification or accessed notification.
AGM	General notification message from AT&T (time to add credit etc.).
ACB	Account Balance check response.
ACM	Account minutes available check response.
ACD	Account data used check response.
MMS	Multi Media Service

A message described as "IN\_VMP" would be interpreted as an inbound system message to the phone notifying the user that the voicemail box has been checked. A message labeled as "IN\_ACB" means the user requested an "Account Balance Check" and the reply was received by the phone.

**Cell Location:** The first two numbers indicate the beginning and ending LAC/CID information followed by the longitude/latitude and the azimuth (center point of the sector) of all cell sites that serviced the call. If the target was traveling, you may see more than one cell site in this field.

**NOTE:** If you requested call records and the target subscriber's device is an iPhone with the most current operating system (iOS 5 or above) and they send a text message to another device with the iOS 5 (or above) operating system, text messages between these devices will not appear in the detail records we have provided. This is because these text messages are delivered via the iMessage service through Apple. If the iMessage transaction occurred on the AT&T network, AT&T only captures the transaction as a data session and no other transactional information is stored or available.

# Lewis Declaration Exhibit 4



**CLAIMS DEPARTMENT**

**DECLARATION OF CUSTODIAN OF RECORDS**

United States District Court  
3470 Twelfth Street  
Riverside, CA 92501

Re: United States of America vs. John Jacob Olivas  
Case Number: ED CR 18-231-JGB  
Our File Number [REDACTED]

I am the duly authorized custodian of all the enclosed records and have the authority to certify the records. I swear that the copy appended is a true copy of all the enclosed records in my custody or control. These records were prepared by the personnel of the Southern California Edison Company in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Rosemead, California on November 22, 2021.

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'L' shape with a horizontal line extending to the right.

C. E. Limon  
Claims Department

00103605



# Lewis Declaration Exhibit 5

## Certificate of Authenticity of Domestic Records of Regularly Conducted Activity

I, Tyler Harmon , certify:

1. I am employed by Facebook, Inc. ("Facebook"), headquartered in Menlo Park, California. I am a duly authorized custodian of records for Facebook and am qualified to certify Facebook's domestic records of regularly conducted activity.
2. I have reviewed the records produced by Facebook in this matter in response to the Subpoena received on November 1, 2021. The records include search results for Basic Subscriber Information, IP Address Logs and records for the account with identifier [REDACTED]
3. The records provided are an exact copy of the records that were made and kept by the automated systems of Facebook in the course of regularly conducted activity as a regular practice of Facebook. The records were saved in electronic format after searching Facebook's automated systems in accordance with the above-specified legal process. The records were made at or near the time the information was transmitted by the Facebook user.
4. I declare under penalty of perjury that the foregoing certification is true and correct to the best of my knowledge.



Tyler Harmon  
Custodian of Records

Date: November 22, 2021